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PATENT AND TRADEMARK LAW

SUITE 1101

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FACSIMILE COVER LETTER

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Examiner B. A. D. Nguyen Art Unit: 3713

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LOCATION: U.S. Patent and Trademark Office

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FROM: James H. Walters

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DATE: August 8, 2004 TIME: 5:10P

Our ref: A-391 Your ref: 09/819,168

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Dear Examiner Nguyen:

Enclosed please find a draft amendment for our discussion on August 10, 2004. Thank you.

Certification of Facsimile Transmission

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on this day August 8, 2004.

James H. Walters
Reg. No. 35,731

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August 8, 2004

By FAX 703-746-3239
Examiner Binh-An D. Nguyen
U.S. Patent and Trademark Office

Re: United States Utility Patent Application
S. N. 09/819,168
For GAME MACHINE AND INFORMATION STORAGE MEDIUM
Inventors: Shinichiro OKAMOTO et al
Our ref: A-391

Dear Mr. Nguyen:

Thank you for your time on the phone recently to schedule our upcoming phone conference regarding this application.

Attached at the end of this letter are draft claim amendments that we would propose to make. The other claims would be unamended. Also, we propose an amendment to the specifciation to correct a typographical error.

Here is what we would present as our points in arguing the patentability of the claims.

Claims 9-13, 19-44 and 50 are withdrawn from consideration. Claims 1-8, 14-18 & 45-49 are rejected.

We feel the references do not anticipate, nor render obvious claim 1 and draft amended claims 14 and 49 as amended herein, and all the respective dependent claims. Two references, Miyamoto et al. U.S. Patent 6,139,433 and Rieder U.S. Patent 6,017,272 are relied on.

Claims 1-8 and 45-49 are rejected or objected to on certain informalities which are addressed in the amendments herein.

We noted a typographical error and include a draft new paragraph number 2 of page one, to change spelling of "role" as "roll".

The Miyamoto document discloses many features of a video game including moving a camera in a play environment to the side of an obstacle when the player-controlled object (or character) goes behind and becomes hidden by the obstacle. However, the document does not anticipate applicant's invention as claimed. Independent claim 1, and claims 2-8 which depend from claim 1, include the recitation "visual point position setting unit for shifting said visual point position….when the elapsed time of said fixed time is detected by said timer". This is an important and significant distinction not anticipated by Miyamoto. Miyamoto provides rigorous and detailed video game design teachings, but it does not teach or suggest providing a delayed visual point repositioning. Only applicant has recognized the advantage of delaying visual point repositioning to avoid confusing the player's grasp of the game environment. Miyamoto teaches instant movement of a camera trained on a player-controlled object (Mario) as soon as the player-controlled object "can not be viewed or 'photographed' by the camera" (col. 31 line 49). Miyamoto teaches (col. 31 line 50) "to continuously display Mario at all times". To continuously display the player-controlled object (Mario) requires there be no delay. It is a central feature of Miyamoto's camera angle manipulation aspect of game design teaching to "prevent obstruction between the eye of the camera and the operable object" (col. 3 lines 10-11). It is the applicant who recognizes that players get confused as to where they are in the playing environment when the emphasis is on following the operable object as is done with prior art video games, and as is done by Miyamoto et al. And, it is the applicant who has invented a solution to avoid the confusion by delaying for a fixed time visual point repositioning. At least by the Claim 1 recitations identified here claim 1, and claims 2-8 which depend therefrom, avoid and are not anticipated by Miyamoto.

The Examiner seems to be equating the fixed time by which a change in viewing perspective is delayed in applicant's invention as claimed with the use of periods of time in the Miyamoto document. However, the periods of time have nothing to do with delaying movement of Miyamoto's camera angle. Most uses of time periods in Miyamoto regard software details. Column 25, lines 10-15 describe camera angles determined as a function of time during title and game ending demonstrations. One use detects inactivity of Mario. The only use of the term "timer" by Miyamoto is column 10, line 59, and is regarding allowing external devices to interrupt the main processor. Applicant has recognized and has solved the problem of throwing the player into a state of confusion about the player character's whereabouts as happened in the player environment with prior art automatic camera movements. Applicant delays visual point position

movement with a time delay, not by using time periods similar to those taught by Miyamoto.

Applicant has amended independent claims 14 and 49 by further highlighting applicant's inventive use of time durations to help a player of applicant's video game grasp the display contents. Claims 15-18 depend from and include all the limitations of claim 14.

The Examiner has rejected claims 45-48 under 35 U.S.C. §103(a) as being unpatentable over Miyamoto et al U.S. Patent 6,139,433 as applied to claims 1-8, 14-18 and 49, and further in view of Rieder U.S. Patent 6,,017,272. Rieder discloses a video game apparatus, method and medium with a game space assumed as an interior of a structure partitioned by a floor and walls. When player character position specifying unit 34 determines that the display position of the player character is hidden behind a wall or the floor, an image synthesizing unit 38 modifies the image data so that the wall or floor concealing the player character is made semitransparent and the rear thereof is displayed.

As discussed above, the Miyamoto reference does not teach as alleged and applied by the Examiner. If combined with the Rieder document, the combination would not enable one skilled in the art to make applicant's invention as claimed. Claim 45 and dependent claims 46-48 recite "...a transmission process of changing the degree of transparency...". Once again the applicant has applied an inventive aspect to avoid confusing the player with abrupt changes to the playing environment heretofor unrealized by the prior art, an inventive aspect absent in Miyamoto and Rieder.

I look forward to speaking with you on August 10. Please let me know if you need any other information from me before then. Thank you.

Very truly yours,

James H. Walters
Reg. No. 35,731

Draft claim amendments 09/819,168

1. (currently amended) A game machine, comprising:

movement instructing unit for instructing the movement of a player character in a three-dimensional virtual space;

space setting unit for setting the shapes of said player character and an object existing around the player character and their arrangement in said virtual space;

image generating unit for generating an image in said virtual space as looked from a virtual visual point position;

timing decision unit for deciding the timing at which said player character and said object satisfy relatively a predetermined relation for at least one of the ~~shape~~ shapes and the arrangement in said virtual space;

a timer for measuring a fixed time after said timing decision unit decides that said player character and said object satisfy the predetermined relation; and

visual point position setting unit for shifting said visual point position along with the movement of said player character so that said player character may be contained in a visual field range, and changing said visual point position in a predetermined range almost centered at said player character, when the elapse of said fixed time is detected by said timer.

14. (currently amended) A game machine, comprising:

movement instruction unit instructing the movement of a player character in a three-dimensional virtual space;

space setting unit for setting the shapes of said player character and an object existing around the player character, and their arrangement in said virtual space;

image generating unit for generating an image in said virtual space as seen from a virtual visual point Position;

change instructing unit for instructing the change of said visual point position; and

visual point position setting unit for shifting said visual point position set in said virtual space, along with the movement of said player character, so that said player character may be contained in a visual field range, and changing said visual point position in a predetermined range almost centered at said player character, when a change instruction is made by said change instructing unit after a predetermined duration being greater than zero.

45. (currently amended) A game machine, comprising:

movement instructing unit for instructing the movement of a player character in a three-dimensional virtual space;

space setting unit for setting the shapes of said player character and an object existing around the player character, and their arrangement in said virtual space;

image generating unit for generating an image in said virtual space as seen from a virtual visual point position;

timing decision unit for deciding the timing at which said player character and said object satisfy relatively a predetermined relation for at least one of the ~~shape~~ shapes and the arrangement in said virtual space;

return instructing unit for making a return instruction of returning the changed degree of transparency for the object to an original state, when the degree of transparency for said object is changed;

visual point position setting unit for shifting said visual point position, along with the movement of said player character, so that said player character may be contained in a visual field range; and

transmission processing unit for performing a transmission process of changing the degree of transparency for the object placed between said player character and said visual point position, when said timing decision unit decides that said player character and said object satisfy the predetermined relation, as well as returning the changed degree of transparency to the original state, when a return instruction is issued by said return instructing unit.

49. (currently amended) An information storage medium storing a program for enabling a computer to execute a process of

deciding a timing at which player character and an object existing around the player character satisfy relatively a predetermined relation for at least one of ~~the~~ a shape and ~~the~~ an arrangement in a virtual space, and changing the visual point position in a predetermined range almost centered at said player character after the elapse of a fixed time wherein said fixed time is more than zero.

In the Specification:

Please replace the second paragraph on page one with the following paragraph:

Conventionally, a game has been well known in which a character (called a "player character") manipulated by the player is moved in a game space that is a three-dimensional virtual space to make an adventure while clearing a number of events occurring on the course. This kind of game, which is generally referred to as a ~~roll~~ role playing game, proceeds in such a way that the player character solves a given problem at a particular place, and throws down an enemy character arising on the course. In particular recently, along with the higher performance of processors and the development of image processing techniques, a method of representing the player character, the enemy character or the background by a three-dimensional object with the polygon is generally used.